

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

THOMAS ALFRED USHER,

Plaintiff,

v.

SOSA, Deputy Officer at Kern County  
Sheriff's Office,

Defendant.

Case No. 1:22-cv-00023-ADA-SKO (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS  
ACTION WITHOUT PREJUDICE FOR  
PLAINTIFF'S FAILURE TO OBEY COURT  
ORDERS AND FAILURE TO PROSECUTE

(ECF No. 8)

Plaintiff Thomas Alfred Usher ("Plaintiff") is a pretrial detainee proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 25, 2023, the Magistrate Judge issued findings and recommendations, finding that Plaintiff failed to obey the Court's orders and failed to prosecute this action. (ECF No. 8.) Specifically, the Magistrate Judge found that Plaintiff had failed to respond to the Court's First Screening Order issued February 16, 2023, and the Order to Show Cause (OSC) issued March 28, 2023. (See ECF Nos. 5, 6.) Furthermore, Plaintiff has failed to keep the Court apprised of his current and correct address. (ECF No. 8 at 2-4.) Therefore, the Magistrate Judge recommends that the action be dismissed without prejudice. (*Id.* at 4.) Plaintiff had the opportunity to file objections within fourteen days but has not filed any objections.

1 On May 3, 2023, the findings and recommendations were returned to the Court by the  
2 United States Postal Service. The envelope was marked “Undeliverable,” “RTS,” “Refused” and  
3 “Unable to Forward.” (*See* Docket Entry dated 05/03/2023.)<sup>1</sup>

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
5 *de novo* review of this case. Having carefully reviewed the file, the Court finds the findings and  
6 recommendations to be supported by the record and proper analysis.

7 Accordingly,

- 8 1. The Findings and Recommendations issued April 25, 2023, (ECF No. 8), are  
9 ADOPTED in full;  
10 2. This action is DISMISSED without prejudice; and  
11 3. The Clerk of the Court is directed to close this case.

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14 IT IS SO ORDERED.

15 Dated: June 30, 2023

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UNITED STATES DISTRICT JUDGE

<sup>1</sup> Both the First Screening Order and the OSC were also returned by the postal service. (*See* Docket Entries dated 02/24/2023 & 04/10/2023.)